

43  
No. 22-108-ORG  
Status: GRANTED

Title: State of Nebraska, Plaintiff  
v.  
State of Wyoming and State of Colorado

Docketed:  
January 20, 1987

Entry	Date	Note	Proceedings and Orders
1	Oct 7 1986	Motion of plaintiff for leave to file petition for an order enforcing decree for injunctive relief filed.	
2	Oct 8 1986	DISTRIBUTED. Oct. 31, 1986. (Above Motion)	
3	Nov 6 1986	Time to respond extended to and including Dec. 19, 1986, for all defendants.	
4	Dec 13 1986	Waiver of the State of Colorado to the State of Nebraska's motion for leave to file petition for enforcement order and injunctive relief filed.	
5	Dec 18 1986	Wyoming's brief in opposition to motion for leave to file petition filed.	
6	Dec 19 1986	Memorandum for the United States filed.	
7	Dec 24 1986	DISTRIBUTED. Jan. 16, 1987. (Motion for leave to file petition for order enforcing decree and for injunctive relief).	
8	Jan 15 1987	Nebraska's reply to Wyoming's brief in opposition to motion for leave to file a petition filed.	
9	Jan 20 1987	The motion for leave to file a petition for an order enforcing decree and for injunctive relief is GRANTED. The defendants are allowed 60 days within which to file answers. This proceeding shall be docketed as case No. 108 Original.	
10	Mar 18 1987	Motion of Wyoming for appointment of Special Master filed.	
11	Mar 19 1987	Answer of the United States filed.	
12	Mar 19 1987	Answer of the State of Wyoming and motion for leave to file counterclaim filed.	
13	Mar 20 1987	Motion of Platte River Trust for leave to intervene filed.	
14	Mar 23 1987	Motion of National Audubon Society for leave to intervene filed.	
15	Mar 25 1987	DISTRIBUTED. April 17, 1987.	
16	Mar 26 1987	Waiver of Colorado to file.	
17	Apr 3 1987	Nebraska's memorandum in opposition to the motion of the National Audubon Society for leave to intervene or to participate as litigating amicus curiae filed.	
18	Apr 3 1987	Nebraska's memorandum in opposition to the motion of the Platte River Trust for leave to intervene filed.	
19	Apr 3 1987	Wyoming's memorandum in opposition to Platte River Trust and National Audubon Society motions for leave to intervene filed.	
20	Apr 3 1987	Colorado's reponse to Platte River Trust and National Audubon Society motions for leave to intervene filed by Platte River Trust.	
21	Apr 10 1987	Reply/Memorandum in support of motion by the Platte River Trust for Leave to intervene as palintiff.	

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Entry	Date	Note	Proceedings and Orders
22	Apr 13 1987	Motion of Basin Electric Power Cooperative for leave to intervene memorandum in support of motion and answer filed.	
23	Apr 14 1987	Wyoming memorandum in opposition to Basin Electric Power Cooperative motion for leave to intervene filed.	
24	Apr 15 1987	Motion of Nebraska Public Power District, et al., for leave to intervene filed.	
25	Apr 20 1987	The motion of Wyoming for leave to file a counterclaim is GRANTED. Answers to the counterclaim may be filed within 60 days.	
26	Apr 22 1987	Reply brief of Basin Electric Power Cooperative to Wyoming's memorandum in opposition to Basin's motion for leave to intervene filed.	
27	Apr 28 1987	Wyoming memorandum in opposition to joint motion of Nebraska Public Power District and The Central Nebraska Public Power District and Irrigation District for leave to file a joint complaint in intervention and for leave to intervene as plaintiffs.	
28	May 14 1987	Reply of Nebraska Public Power District and The Central Nebraska Public Power and Irrigation District to Wyoming memorandum in opposition to Motion for leave to file a joint complaint in intervention and for leave to intervene as plaintiffs.	
29	Jun 15 1987	Waiver of U.S. to answer counterclaim filed.	
31	Jun 19 1987	Nebraska's answer to Wyoming counterclaim filed.	
30	Jun 22 1987	It is ordered that Owen Olpin, Esquire, of Los Angeles, California be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as he may deem necessary to call for. The Master is directed to submit such reports as he may deem appropriate. The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, and clerical assistants, the cost of printing his report, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. The motion of Basin Electric Power Cooperative for leave to intervene is referred to the Special Master. The motion of Platte River Trust for leave to intervene is referred to the Special Master. The motion of the National Audobon Society for leave to intervene is referred to the Special Master. The motion of Nebraska Public Power District, et al. for leave to intervene is referred to the Special Master.	
32	Jul 6 1987	Oath of the Special Master counterclaim filed.	
33	Jan 13 1988	Motion of plaintiff to amend petition for an order enforcing decree and for injunction relief filed.	
34	Jan 19 1988	DISTRIBUTED. Jan. 22, 1988. (Above Motion).	

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35	Jan 25 1988		Defendants are invited to file responses within 21 days to the motion of plaintiff to amend petition for an order enforcing decree and for injunction relief filed.
36	Feb 12 1988		Memorandum for the United States filed.
38	Feb 12 1988		Brief in opposition by Colorado filed.
39	Feb 13 1988		Brief in opposition by Wyoming and appendix filed.
37	Feb 16 1988		Motion of Basin Electric for leave to file a response to Nebraska's motion to amend petition filed.
40	Feb 17 1988		DISTRIBUTED. March 4, 1988. (Motion of plaintiff to amend petition and also motion of Basin Electric for leave to file a response).
41	Mar 3 1988		Reply by Nebraska filed. (D)
42	Mar 7 1988		The motion of Basin Electric to file a response to plaintiff's motion to amend petition is GRANTED. The motion of plaintiff to amend petition for an order enforcing decree and for injunctive relief is DENIED.
43	Jun 16 1988		Request of Special Master for compensation and reimbursement of expenses filed.
44	Jun 30 1988		The motion of the Special Master for award of interim compensation and for reimbursement of expenses is GRANTED and the Special Master is awarded \$101,129.97 to be paid one-half by Nebraska and one-half by Wyoming.
45	Apr 17 1989		Motion of the Special Master for compensation filed.
46	Apr 19 1989		DISTRIBUTED. May 11, 1989 (Above motion)
47	Apr 20 1989		Consent to motion of Special Master for compensation filed by Wyoming. (D)
48	Apr 26 1989		Consent to motion of Special Master for compensation filed by Nebraska. (D)
49	May 15 1989		The second interim motion of the Special Master for compensation and reimbursement of expenses is GRANTED and the Special Master is awarded \$94,801.10 to be paid 40% by Nebraska, 40% by Wyoming and 20% by the United States.
50	Jun 14 1989		First interim report of the Special Master received.
51	Jun 16 1989		DISTRIBUTED. June 22, 1989. (First interim Report of the Special Master).
52	Jun 26 1989		The First Interim Report of the Special Master is received and ordered filed.
53	Nov 7 1989		Motion of the Special Master for compensation and reimbursement of expenses filed.
54	Nov 8 1989		DISTRIBUTED. Nov. 22, 1989. (Above motion).
55	Nov 16 1989		Consent by Wyoming filed. (D)
56	Nov 17 1989		Consent by Nebraska filed. (D).
57	Nov 20 1989		Consent by United States filed. (D).
58	Nov 27 1989		The third motion of the Special Master for compensation and reimbursement of expenses is GRANTED and the Special Master is awarded \$97,843.24 to be paid to him 20% by the United States and 40% each by the states of Nebraska and Wyoming.
59	Oct 5 1990		Fourth Interim Motion of Special Master for compensation and reimbursement of expenses filed.



Entry	Date	Note	Proceedings and Orders
60	Oct 10 1990		DISTRIBUTED. Oct. 26, 1990. (Fourth Interim Motion)
61	Oct 12 1990		Response by Wyoming filed to the Fourth Interim Motion of Special Master for compensation and reimbursement of expenses.
62	Oct 14 1990		Response by Nebraska filed.
63	Oct 29 1990		The Fourth Interim motion of the Special Master for compensation and reimbursement of expenses is GRANTED and the Special Master is awarded \$72,970.75 for the period Oct. 1, 1989 - September 30, 1990, to be paid by the parties as follows 40% each by the states of Nebraska and Wyoming and 20% by the United States.
64	May 22 1991		Motion of the Special Master for award of compensation and expenses filed.
65	May 24 1991		DISTRIBUTED. May 30, 1991.
66	Jun 3 1991		ORDER: Motion of the Special Master for Award of Compensation and Expenses GRANTED the Special Master is awarded a total of \$70,718.52 for the period of Oct. 1, 1990 through May 15, 1991 to be paid as follows: 20% by the United States and 40% each by the states of Nebraska and Wyoming.
67	Oct 10 1991		Motion of Nebraska for leave to file Amended Petition filed.
68	Nov 12 1991		Motion of Wyoming in opposition to Motion for leave to file Amended Petition filed.
69	Nov 12 1991		Brief of United States in opposition to Motion for leave to file Amended Petition filed.
70	Nov 12 1991		Brief of Colorado in opposition to Motion for leave to file Amended Petition filed.
71	Nov 12 1991		Motion of Basin Electric Power Cooperative Amicus Curiae for leave to file brief in opposition to Nebraska's Motion to Amend filed.
72	Nov 12 1991		Motion of Central Nebraska Public Power and Irrigation District Amicus Curiae for leave for leave to file brief in opposition to Nebraska's Motion to Amend filed.
73	Nov 12 1991		Brief of Platte River Trust Amicus Curiae in support of of Nebraska's Motion to Amend filed.
74	Nov 12 1991		Brief of National Audobon Society Amicus Curiae in support of Nebraska's Motion to Amend filed.
75	Nov 26 1991		Memorandum of Nebraska in opposition to Basin Electric's Motion for leave to file filed.
76	Nov 26 1991		Reply Brief of Nebraska to responses of Wyoming, United States and Colorado filed.
77	Dec 31 1991		DISTRIBUTED. Jan. 17, 1992 (Above motions)
78	Jan 21 1992		ORDER: Motion of Basin Electric Power Cooperative Amicus Curiae for leave to file a Brief is GRANTED. Motion of Central Nebraska Public Power and Irrigation District Amicus Curiae for leave to file a Brief is GRANTED.
79	Feb 6 1992		Motion of National Audobon Society Amicus Curiae for leave to file a brief in support of Motion to Amend filed. (see brief Nov. 12, 1991)
80	Feb 10 1992		Motion of Platte River Trust Amicus Curiae for leave to

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			file a brief in support of Motion to Amend filed. (see brief Nov. 12, 91)
81	Feb 19 1992		DISTRIBUTED. March 6, 1992 (Above two Amicus Motions).
82	Mar 9 1992		ORDER: Motion of National Audobon Society Amicus Curiae for leave to file brief GRANTED. Motion of Platte River Trust Amicus Curiae for leave to file brief GRANTED.
83	Mar 25 1992		Motion of Special Master for Compensation and Reimbursement of Expenses filed. (NP)
84	Mar 25 1992		DISTRIBUTED. April 17, 1992 (Above motion).
85	Apr 1 1992		Consent to United States to Special Master's Motion for Compensation filed. (NP) (D)
86	Apr 2 1992		Consent of National Audobon Society Amicus Curiae to Special Master's Motion for Compensation filed.
87	Apr 6 1992		Opposition of Basin Electric Power Cooperative to Special Master's Motion for Compensation filed. (NP) (D).
88	Apr 9 1992		Second Interim Report of the Special Master received. (Also letter from Special Master re: Motion of Nebraska to Amend Petition).
89	Apr 15 1992		Consent of Central Nebraska Public Power and Irrigation District Amicus Curiae to Special Master's Motion for Compensation filed. (NP) (D).
90	Apr 15 1992		Reply of Special Master to the responses to his motion for Compensation filed. (NP) (D).
91	Apr 15 1992		Response of Colorado to the Second Interim Report of the Special Master filed.
92	Apr 15 1992		Report of the Special Master filed. (NP).
93	Apr 15 1992		Response of Wyoming to the Second Interim Report of the Special Master filed. (NP).
94	Apr 15 1992		DISTRIBUTED. May 15, 1992. (Second Interim Report of the Special Master. Motion of Nebraska to Amend, relist from Jan. 17, 1992.)
95	Apr 20 1992		ORDER: The sixth motion of Special Master for Compensation and Reimbursement is GRANTED and the Special Master is awarded a total \$233,144.11. Assessment of this award is deferred pending receipt of further responses by Colorado and Amici Curiae to the special assessment proposed by the Special Master, to be filed on or before Monday, May 4, 1992 and further order of the Court.
96	Apr 21 1992		Further response of Central Nebraska Public Power and Irrigation District Amicus Curiae per request of the Court filed. (NP).
97	Apr 24 1992		Response of Nebraska to letter of Special Master filed Apr. 9, 1992 re: Motion of Nebraska to Amend. (NP)
98	Apr 30 1992		Further response of Basin Electric Cooperative Amicus Curiae per request of the Court filed. (NP)
99	May 4 1992		Further response of Colorado per request of the Court filed.
100	May 4 1992		Further response of the Platte River Trust Amicus Curiae per request of the Court. (NP)

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101	May 18 1992		ORDER: The Second Interim Report of the Special Master is received and ordered FILED. Exceptions to this Report and the First Interim Report, with supporting briefs, may be filed by the parties within 45 days, Replies thereto, if any, may be filed within 30 days. Amici Curiae may file replies within the time allowed the parties. FURTHER consideration of the Motion to Amend is deferred to consideration of the Motion to Amend is deferred to consideration of the Exceptions and Replies.
102	Jun 8 1992		DISTRIBUTED. June 12, 1992 (Motion of Special Master for Compensation and Reimbursement) (relist)
103	Jun 15 1992		ORDER: The Court, by order dated Apr. 20, 1992, awarded the Special Master interim compensation and reimbursement of expenses. It is ORDERED that the award is to be paid as follows: Colorado \$25,000; the four proposed Intervenor/ Amici Curiae \$5000 each; The remaining award to be paid 40% by Nebraska ; 40% by Wyoming, and 20% by the United States. (See Order) Statement by Justice White. Dissenting statement by Justice Stevens.
104	Jun 29 1992		Copy of the Special Master's docket filed.
105	Jun 30 1992		Exceptions of Wyoming to the First and Second Interim Reports of the Special Master filed.
106	Jul 1 1992		Exceptions of Colorado to the First and Second Interim Reports of the Special Master filed.
107	Jul 1 1992		Exceptions of Nebraska to the First and Second Interim Reports to the Special Master filed.
108	Jul 1 1992		Exceptions of Basin Electric Power Cooperative Amicus Curiae to the Second Interim Report of the Special Master filed.
109	Jul 24 1992		ORDER: Extending time for all parties and amici curiae to file Reply Briefs to and including August 17, 1992.
110	Aug 14 1992		Reply Brief of Wyoming to Nebraska's Exceptions to the Reports of the Special Master filed.
111	Aug 14 1992		Reply brief of Basin Electric Power Cooperative Amicus Curiae to Nebraska's Exceptions to the Reports of the Special Master filed.
112	Aug 17 1992		Brief of the United States opposing exceptions filed.
113	Aug 17 1992		Reply Brief of Nebraska to the Exceptions of Wyoming, Colorado and Basin Electric filed.
114	Aug 17 1992		Reply Brief of National Audobon Society and Platte River Trust Amici Curiae filed.
115	Aug 19 1992		DISTRIBUTED: Sept. 28, 1992 (Exceptions and Reply's to Reports of the Special Master).
121	Sep 16 1992		Motion of Wyoming for leave to file a Reply Brief to the of the U.S. opposing exceptions filed.
122	Oct 5 1992		ORDER: Motion of Wyoming for leave to file a Reply Brief is GRANTED. The Exceptions to the Reports of the Special Master are set for argument in due course.
123	Oct 9 1992		Motion of Nebraska to file sur-reply brief to Wyoming's Reply Brief to the U.S. Brief in Opposition filed.



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124	Oct 13 1992		DISTRIBUTED October 16, 1992 (Above Motion).
158	Oct 19 1992		ORDER: Motion of Nebraska to file sur-reply brief denied.
126	Nov 12 1992		Motion of Special Master for Compensation and Reimbursement filed. (NP)
159	Nov 18 1992		Joint motion of Colorado and Wyoming for divided argument filed.
128	Nov 19 1992		Motion of Nebraska for Divided Argument filed. (NP)
129	Nov 19 1992		DISTRIBUTED November 25, 1992 (Motion for Compensation and Reimbursement).
130	Nov 20 1992		Motion of the U.S. for Divided Argument filed. (NP)
131	Nov 20 1992		Consent of Nebraska to the Motion for Compensation and Reimbursement filed. (NP)
132	Nov 20 1992		SET FOR ARGUMENT WEDNESDAY, JANUARY 23, 1993. (3rd case)
133	Nov 23 1992		CIRCULATED
134	Nov 23 1992		Joint Response of Wyoming and Colorado to Motions for Divided Argument filed. (NP)
135	Nov 30 1992		ORDER: Motion of the Special Master for Compensation and Reimbursement GRANTED and it is ORDERED that the Special Master is awarded \$124,171.27 for the period March 1, 1992 through October 15, 1992 to be paid as follows: 20 % by the U.S. and 40% each by Nebraska and Wyoming.
136	Dec 7 1992		ORDER: Motions for Divided Argument are GRANTED in part and DENIED in part: 20 minutes to Wyoming, 10 minutes to Colorado, 15 minutes to Nebraska, and 15 minutes to the U.S.
137	Jan 13 1993		ARGUED.
138	Jan 19 1993		Docket and Record filed.
139	Apr 19 1993		REDISTRIBUTED April 23, 1993 (motion for leave to file amended petition)
140	Apr 20 1993		OPINION: On the Exceptions to Reports of the Special Master. Intervention motions of certain amici curiae Denied. All Exceptions filed to the Special Master's Reports are overruled. Summary judgment motions of Nebraska and the United States regarding Inland Lakes' priority date are GRANTED as in Nebraska's partial summary judgment motion with respect to issue of canal diversion limitations. All other summary judgment motions are denied. Opinion by Justice O'Connor.
141	Apr 26 1993		ORDER: The State of Nebraska's motion for leave to file Amended Petition for an Apportionment of Non-Irrigation Season Flows and for the Assertion of New Claims is DENIED without prejudice with respect to Count I. The Special Master is directed to provide a recommendation to the Court as to whether the motion for leave to file an amended petition should be granted with respect to Counts II and III.
116	Oct 1 1993		Motion of Special Master for Compensation and reimbursement of expenses. (NP)
117	Oct 5 1993		Consent of Solicitor General filed.
118	Oct 6 1993		DISTRIBUTED. October 29, 1993.

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119	Oct 6 1993	Consent of the State of Nebraska filed.	
120	Oct 8 1993	Consent of Wyoming filed.	
127	Oct 18 1993	Joint Motion of Colorado and Wyoming for Divided Argument filed. (NP)	
125	Oct 19 1993	ORDER: Motion of Nebraska to file sur-reply brief DENIED.	
142	Oct 22 1993	Consent by Colorado filed.	
143	Nov 1 1993	ORDER: The motion of the Special Master for award of compensation and reimbursement of expenses is granted and the Special Master is awarded a total of \$59,566.79 for the period October 16, 1992 through August 31, 1993 to be paid as follows: 30% to be paid by each Nebraska and Wyoming, 15% to be paid by Colorado and 25% to be paid by the United States.	
144	Feb 18 1994	Joint motion to refer motions for leave to file amended pleadings to the Special Master filed.	
146	Feb 18 1994	Motion of Wyoming for leave to file amended counterclaims and cross-claims filed.	
147	Feb 18 1994	Motion of Nebraska for leave to file amended petition filed.	
149	Mar 16 1994	Brief of United States on Joint Motion by Nebraska and Wyoming to refer to Special Master their motions for leave to file amended pleadings filed.	
148	Mar 21 1994	ORDER: The joint motion to refer the motions for leave to file amended pleadings to the Special Master is granted. The motion of Nebraska for leave to file an amended petition is referred to the Special Master for his recommendation. The motion of Wyoming for leave to file amended counterclaims and cross-claims is referred to the Special Master for his recommendation. The Special Master is requested to file his report and recommendation on the motions to amend within 120 days.	
150	Apr 12 1994	Motion of Special Master for compensation and reimbursement of expenses filed.	
152	Apr 13 1994	DISTRIBUTED. April 29, 1994.	
153	Apr 18 1994	Consent of Colorado to Special Master's motion for compensation and reimbursement of expenses filed.	
151	Apr 20 1994	Consent of Solicitor General to Special Master's motion for compensation and reimbursement of expenses filed.	
154	Apr 20 1994	Consent of Wyoming to Special Master's motion for compensation and reimbursement of expenses filed.	
155	May 2 1994	ORDER: The motion of the Special Master for compensation and reimbursement of expenses is granted and the Special Master is awarded a total of \$60,059.18 to be paid as follows: 30% by Nebraska, 30% by Wyoming, 15% by Colorado and 25% by the United States.	
156	May 27 1994	Time to file Special Master's report and recommendation on the motions to amend is extended to and including August 26, 1994.	
157	Aug 17 1994	Time to file Special Master's report and recommendation on the motions to amend is extended further to and	



Entry	Date	Note	Proceedings and Orders
			including September 9, 1994.
160	Sep 9 1994		Third interim report of Special Master on motions to amend the pleadings received.
161	Oct 11 1994		ORDER: The Third Interim Report of the Special Master on Motions to Amend Pleadings is received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed by the parties within 45 days. Reply briefs, if any, may be filed by the parties within 30 days.
162	Oct 20 1994		Motion of Special Master for compensation and reimbursement of expenses filed.
163	Oct 24 1994		Consent thereto by Wyoming filed. (NP)
165	Nov 10 1994		Consent of United States to Special Master's motion for compensation and reimbursement of expenses filed. (NP)
164	Nov 14 1994		ORDER: The motion of the Special Master for award of compensation and reimbursement of expenses is granted and the Special Master is awarded a total of \$180,833.83 for the period of April 1 through September 30, 1994, to be paid as follows: 30% to be paid by each Nebraska and Wyoming, 15% to be paid by Colorado, and 25% to be paid by the United States.
166	Nov 22 1994		Nebraska's Exceptions to the Third Interim Report of the Special Master filed.
167	Nov 25 1994		Exceptions of Wyoming to Third Interim Report of Special Master filed.
168	Nov 25 1994		Exception of the United States filed.
169	Dec 14 1994		Time for all parties to file replies to exceptions to Report of Special Master extended to and including December 30, 1994.
170	Dec 23 1994		Reply brief of Colorado filed.
171	Dec 29 1994		Brief of United States opposing Exceptions of Wyoming filed.
173	Dec 29 1994		Reply of Wyoming to Exceptions of Nebraska and United States filed.
172	Dec 30 1994		Motion of Platte River Trust for leave to file a response to Wyoming's Second Exception to the Report of the Special Master filed.
174	Dec 30 1994		Motion of Basin Electric Power Cooperative for leave to file reply to certain Exceptions to Report of Special Master filed.
175	Dec 30 1994		Nebraska's reply to Wyoming's Exceptions filed.
176	Jan 4 1995		DISTRIBUTED. (Jan. 20, 1995 Conf)
177	Jan 23 1995		ORDER: The motion of Basin Electric Power Cooperative for leave to file a reply to certain Exceptions to the Report of the Special Master is granted. The motion of Platte River Trust for leave to file a response to Wyoming's Second Exception to the Report of the Special Master is granted. The Exceptions to the Report of the Special Master are set for oral argument in due course.
178	Jan 27 1995		Motion of United States for divided argument filed. (NP)
179	Jan 30 1995		SET FOR ARGUMENT TUESDAY, MARCH 21, 1995. (2ND CASE).

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Entry	Date	Note	Proceedings and Orders
180	Jan 30 1995		Motion of Wyoming for leave to file reply brief filed.
181	Feb 1 1995		CIRCULATED.
182	Feb 9 1995		Nebraska's response to Wyoming's motion filed.
183	Feb 21 1995		ORDER: The motion of Wyoming for leave to file a reply brief is granted. The motion of the Solicitor General for divided argument is granted.
184	Mar 21 1995		ARGUED.